

REMARKS:

- 1) This Response merely incorporates the indicated allowable subject matter from prior claim 28 into independent claim 12. All claims should now be allowable, without raising any new issues that would require further search or consideration. Thus, entry of this Response After Final is appropriate and is requested.
- 2) Form PTO-892 enclosed with the Office Action has a typographical error in the citation of reference "B". US Patent 6,748,409 (Toraichi et al.) should be corrected to US Patent 6,784,409 (Kitani) as applied in a rejection on pages 6 and 7 of the Office Action, and as confirmed by the Examiner in a Telephone Interview on December 5, 2007. Please issue a corrected Form PTO-2038.
- 3) The claims have been amended as follows. Independent claim 12 has been amended to incorporate the indicated allowable subject matter (lines 13 to 17) of prior claim 28. Such incorporation of features from a prior dependent claim into the independent claim does not introduce any new matter. Claim 28 has been amended conformingly in view of the amendment of claim 12. Entry and consideration of the amendment is respectfully requested.
- 4) Referring to sections 8 and 9 on page 7 of the Office Action, applicants appreciate the indication of allowable subject matter (the limitation cited by the Examiner at lines 13 to 17 of claim 28), which has now been incorporated into independent claim 12. Thus, all claims should now be allowable, because, as

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acknowledged by the Examiner, the prior art does not disclose and would not have suggested the combination of features of current claim 12 including the limitation that said housing, said photodiode, said first light emitting diode and said second light emitting diode are arranged and embodied so that none of the reference light beam emitted by said second light emitting diode will be incident on any lateral side surface of said photodiode.

- 5) Referring to sections 1 to 7 on pages 2 to 7 of the Office Action, the prior art rejections of claims 12 to 27 have been obviated by the present amendment. Namely, the indicated allowable subject matter from non-rejected claim 28 has been incorporated into independent claim 12. Since claim 28 had not been rejected due to the allowable subject matter thereof, the rejections can no longer be applied against amended independent claim 12. Please withdraw the prior art rejections.

- 6) Favorable reconsideration and allowance of the application, including all claims 12 to 29, are respectfully requested.

Respectfully submitted,  
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Applicant

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Enclosures:  
*Transmitted Cover Sheet*

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CERTIFICATE OF FAX TRANSMISSION:

I hereby certify that this correspondence with all indicated enclosures is being transmitted by telefax to (571) 273-8300 on the date indicated below, and is addressed to: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

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